

Overview

A variance from the standards of the zoning ordinance may be considered when, because of special circumstances, the strict application of the ordinance results in undue hardship not experienced by other properties within the same zoning district. Circumstances considered exceptional include unusual parcel size, shape, topography, vegetation, location, or adjacent uses.

Generally, requests may be submitted for variations to the ordinance for lot area, height, setbacks, fence height, parking, or sign standards. A variance request must not be a grant of special privileges inconsistent with the limitations upon other properties in the zoning district. The following are the required findings that must be made in order to grant any variance request:

- A. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or alternatively that strict compliance would preclude an effective design solution improving livability, operational efficiency or appearance.
- B. That strict compliance with the regulation would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or alternatively that strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulations.
- C. That if granted, the variance will not adversely affect the character, livability or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.
- D. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

Submittal Requirements

No application will be accepted for processing until the information listed below is submitted to the satisfaction of the Community Development Department:

- 1. One copy of the completed Universal Application.
- 2. The required application fee.
- 3. Location map.
- 4. Site Plan, drawn to scale, and indicating (if applicable):
 - a. Lot dimensions;
 - b. Existing structures on the site and adjacent site;
 - c. Driveways to the site, adjoining streets, and roads;
 - d. Off-street parking area;
 - e. Existing use and square footage;
 - f. Proposed fences or building additions to be constructed;
 - g. Required setbacks and proposed encroachments into setbacks;
 - h. Floor plan indicating existing uses, square footage and required parking (for parking variances only);

- i. Fence grade, location, and height (variances for fences only);
 - j. Building elevation and materials (variances for signs only);
 - k. Cross section of pole sign and street grade (variances for signs only); and
 - l. North arrow and scale.
5. All above materials in an electronic format.
6. Prior to determining that your application is complete, signage must be posted on the affected property in accordance with Chapter 17.800 of the Brentwood Municipal Code.

Processing Time

Variance requests are typically processed in 2-3 months. If the request requires a variation of ten percent (10%) or less from the standard requirement for setbacks or building height, the Community Development Director has the discretion to act on the request through a minor variance. Minor variances typically require 1-2 weeks for processing.

Public Hearings Required

Variance applications require one public hearing before the Planning Commission. The City is responsible for providing applicable notices to all property owners within 300 feet of the project site, as well as publication in the local newspaper, no less than 10 days from the date of the hearing. Minor variances do not require a public hearing.

Appeal Process

Decisions made by either the Zoning Administrator or Planning Commission are subject to appeal, in accordance with Chapter 17.880 of the Brentwood Municipal Code. In general, decisions of the Zoning Administrator become effective 10 days after they are made. Any affected party may appeal a decision of the Zoning Administrator to the Planning Commission by submitting an application and the required appeal fee to the City Clerk during the 10-day appeal period. Decisions of the Planning Commission also become effective 10 days after they are made. Any affected party may appeal a decision of the Planning Commission to the City Council by submitting an application and the required appeal fee to the City Clerk during the 10-day appeal period. Decisions of the City Council are final.